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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH - Northern DIVISION

Gerald Maxfield

Plaintiff,

v.

Louis DeJoy,
Postmaster General,
US Postal Service

Defendant(s).

COMPLAINT

Case: 1:21-cv-00081
Assigned To : Shelby, Robert J.
Assign. Date : 6/4/2021
Description: Maxfield v DeJoy

A. JURISDICTION

This action is brought pursuant to Title VII of the Civil Rights Act of 1964 as amended, for employment discrimination. Jurisdiction is specifically conferred on this Court by 42 U.S.C. § 2000e(5). Equitable and other relief are also sought under 42 U.S.C. § 2000e(5)(g). Jurisdiction is also based on 28 U.S.C. §§ 1331, 1343 and 42 U.S.C. §§ 1981 et seq. Where employment discrimination based upon age is alleged, jurisdiction is conferred by 29 U.S.C. §§ 626(c)(1) and appropriate relief is also sought.

B. PARTIES

1. Name of plaintiff:
Present mailing address:

Gerald L. Maxfield
3337 So 930 West
Syracuse, Utah 84075-8978

2. Name of first defendant: Louis DeJoy
Present mailing address or
business location: Postmaster General
475 L'Enfant Plaza
Washington, D.C. 20260
3. Name of second defendant: _____
Present mailing address or
business location: _____

4. Name of third defendant: _____
Present mailing address or
business location: _____

(Use additional sheets if necessary.)

C. NATURE OF CASE

1. The address at which I sought employment or was employed by the defendant(s) is:

Salt Lake City
Down town Station USPS
230 West 200 South
Salt Lake City, Utah 84101

2. The discriminatory acts occurred on or about:

Oct 2019, placed on
(Month, Day, Year) Emergency Placement 10/23/19

3. I filed charges with the Anti Discrimination Division of the Utah State Industrial Commission regarding the defendant's discriminatory conduct on or about:

N/A
(Month, Day, Year)

a formal EEO Complaint

US Postal Service

4. I filed charges with the ~~Equal Employment Opportunity Commission~~ regarding the defendant's discriminatory conduct on or about:

11/19/19

(Month, Day, Year)

5. The ~~Equal Employment Opportunity Commission~~ sent the attached "Notice of Right to Sue" which I received on:

US Postal Service

Final Agency

Decision

3-8-2021

(Month, Day, Year)

(Please attach the "Notice of Right to Sue" to this complaint.)

6. The discriminatory acts that are the basis of this suit are:

- a. _____ Failure to employ me
 b. _____ Failure to promote me
 c. _____ Termination of my employment
 d. _____ Demotion
 e. _____ Denied equal pay/work
 f. _____ Sexual harassment
 g. _____ General harassment
 h. ☒ Other acts (Be specific: Attach an additional sheet if

necessary)

Placed on Emergency Placement

7. Defendant's conduct is discriminatory with respect to:

- a. ☒ my race
 b. _____ my color
 c. _____ my sex
 d. _____ my religion
 e. _____ my national origin
 f. ☒ my age

8. I believe that the defendant is still committing these acts against me.

_____ yes

☒ no**D. CAUSE OF ACTION**

1. I allege that the defendant has discriminated against me and that the following facts form the basis for my allegations:

a. (1) Count I: Wrongful Discipline

- (2) Supporting Facts: (Describe exactly what each defendant did or did not do. State the facts clearly, in your own words without citing any legal authority. Use additional sheets if necessary.)

I was accused of damaging a
door hinge / door camera while delivering
my route. This was not true but I
wasn't talked to - I was just immediately

b. (1) Count II: placed on Emergency Placement

- (2) Supporting Facts: (Suspension) - I didn't know
whether I was going to get fired or not
I was kept in the dark. I was
eventually allowed to come back to work
but lost out on pay and opportunities to
work overtime hours and earn overtime pay

white, ^{not younger} black, coworkers have been treated
E. INJURY differently and more favorably
in similar
circumstances.

1. How have you been injured by the actions of the defendant(s)?

Plaintiff, by being placed on emergency
placed lost out on pay and the
opportunity to work overtime pay and
double time pay, approximately \$700
lost in overtime

F. REQUEST FOR RELIEF

2. I believe I am entitled to the following relief:

- cancellation of discipline, removal from file
- pay went of lost wages
- court costs and attorneys fees

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. §1746; 18 U.S.C. § 1621.

Executed at Seneca Falls on June 2, 2021
(Location)

Signature Andrew L. Maxfield

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